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3   UNITED STATES DISTRICT COURT

4   DISTRICT OF NEVADA

5   BARRY HARRIS,   Case No. 3:22-cv-00042-ART-CSD

6   Plaintiff,   ORDER REGARDING APPOINTMENT
                                                        OF COUNSEL
7   v.

8   WILLIAM GITTERE, et al.,

9   Defendants.

10   *Pro se* Plaintiff Barry Harris brings this action under 42 U.S.C. § 1983.

11   The Court screened Plaintiff's second amended complaint (ECF No. 8) and

12   allowed him to proceed with his Eighth Amendment, Fourteenth Amendment,

13   and retaliation claims against Defendants Gittere, Reubart, and Bodenheimer.

14   (ECF No. 10.) Mr. Harris filed a motion for appointment of counsel, which the

15   Court granted, finding exceptional circumstances. (ECF Nos. 43; 44.) Mr.

16   Harris's case was referred to the Court's Pro Bono Program. However, the Pro

17   Bono program was unable to find counsel for Mr. Harris. (ECF No. 70.)

18   The Court notes that Plaintiff is currently represented by the Federal

19   Public Defender's Office ("FPD") in a separate suit for habeas corpus relief, Case

20   No. 3:20-cv-00695-MMD-WGC.

21   In district courts, the appointment of counsel for persons financially

22   unable to obtain representation in criminal cases is governed by 18 U.S.C. §

23   3006A. "A person for whom counsel is appointed shall be represented at every

24   stage of the proceedings from his initial appearance before the United States

25   magistrate judge or the court through appeal, including ancillary matters

26   appropriate to the proceedings." 18 U.S.C. § 3006A(c). Ancillary matters include

27   proceedings sufficiently related to the underlying criminal case. *See United*

28   *States v. Martinson*, 809 F.2d 1364, 1370 (9th Cir. 1987).

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1   It is therefore ordered that the Clerk of the Court is directed to

2 electronically serve upon the FPD a copy of this Order.

3   The FPD is ordered to confirm with the Court, within 30 days of this

4 order, (1) whether Mr. Harris's case is ancillary, and (2) whether the FPD is

5 willing to be appointed as counsel in this matter.

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7   Dated this 4th day of February, 2025.

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     ANNE R. TRAUM
11   UNITED STATES DISTRICT JUDGE

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